Section 4. In the event of the provision of such care and services not being made, the provisions in this section shall apply. Nothing in this section shall limit the right of the division to receive reports or any other information from other state agencies or divisions, from state health, and social and rehabilitative services, or any other appropriate source, or among the various personnel of the division. Nothing in this section shall prohibit the division, in any proceeding, from excluding the diseased or insane from access to all of the provisions of any statute or court.

In addition to and in order to enforce agreements

The division shall have the power to prohibit the administration services administering this division from proceeding in its own name and in its own behalf and to enter into agreements with the division, in its own behalf, to enforce such agreements and receive the compensation and fees and to take such action as may be necessary to enforce such agreements. The division shall also have the power to adopt and promulgate and enforce such rules, regulations, and orders as may be necessary or appropriate for the proper administration of the provisions of law vested in it by law, to have effect in carrying out the provisions of law vesting it with jurisdiction and power. These regulations shall be in accordance with the Uniform Administrative Procedures Act.

These powers shall be exercised and performed by the division, unless otherwise specifically provided by law, in accordance with regulations promulgated by the division, and exercised by the director to any extent to the extent provided by law, and in appropriate cases, to the extent provided by law, by any person, board, or agency, to be appointed by the division.

All other laws are enacted at this time, and which are inconsistent with this act, shall be interpreted, to the extent necessary, to be consistent with the provisions of this act. The provisions of law administered, managed, and transferred into the division at the time of such transfer and for such period of time, and in such manner and to the same extent as provided herein, shall be interpreted and administered by the director and the department, agency, or division until such time as the director or the department, agency, or division, respectively, is transferred, consolidated, or prohibited.

The provisions of this act are hereby enacted and in force and effect from the date of this act.

ACT No. 559


AN ACT

To amend Title 13 of the Louisiana Revised Statutes of 1950 by adding thereto a new section, to be designated as R.S. 13:1578.1 thereof relative to juvenile detention facilities; to limit the children placed therein to those alleged to have committed a delinquent act; to establish further criteria for such detention; and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 1578.1 of Title 13 of the Louisiana Revised Statutes of 1960 is hereby enacted to read as follows:

§1578.1. Detention facilities; placement of children therein; length of detention

On and after June 30, 1975 only children alleged to have committed a delinquent act may be detained in a detention facility. *

Detention of a child shall only be for a time considered essential and when there is demonstrable evidence that:

*As it appears in the enrolled bill.
Act 559

(1) there is a serious risk that a child is likely to commit a delinquent act before his return date to court, or

(2) there is a substantial probability that he will not appear in court on the return date; or

(3) that, one or more of the above being true, the child is held overnight in transit or for another jurisdiction.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: July 12, 1974.

A true copy:

WADE O. MARTIN, JR.
Secretary of State.

ACT No. 560

Senate Bill No. 171.


AN ACT

To amend Section 1577 of Title 13 of the Louisiana Revised Statutes of 1950 by adding new subsections thereto, to be designated Subsections D and E thereof, relative to detention and release of children, to provide a maximum time limit a child may be detained before being charged or released; to require that written reasons for custody be provided the parent, guardian or other person having custody or care of the child whenever the child is detained for more than twelve hours, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Subsections D and E of Section 1577 of Title 13 of the Louisiana Revised Statutes of 1950 are hereby enacted to read as follows:

§1577. Detention; release; bond; record

* * *

D. Whenever a child under the age of seventeen years is taken into custody by a peace officer or probation officer, except when the child willfully misrepresents himself as seventeen or more years of age, such child shall be released within seventy-two hours after having been taken into custody within said time limit, and no petition for the commitment of the child in a public institution or for the confinement of the child in a juvenile institution shall be presented to the court for the commitment of the child in a public institution or for the confinement of the child in a juvenile institution.

E. When a child is under the age of twelve but not more than the state of his majority, the state has no petition for the commitment of the child in a public institution or for the confinement of the child in a juvenile institution shall be presented to the court for the commitment of the child in a public institution or for the confinement of the child in a juvenile institution.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: July 12, 1974.

A true copy:

WADE O. MARTIN, JR.
Secretary of State.
Act 559

(1) there is a serious risk that a child is likely to commit a delinquent act before his return date to court, or

(2) there is a substantial probability that he will not appear in court on the return date; or

(3) that, one or more of the above being true, the child is held overnight in transit or for another jurisdiction.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: July 12, 1974.

A true copy:

WADE O. MARTIN, JR.
Secretary of State.

ACT No. 560


AN ACT

To amend Section 1577 of Title 13 of the Louisiana Revised Statutes of 1950 by adding new subsections thereto, to be designated Subsections D and E thereof, relative to detention and release of children, to provide a maximum time limit a child may be detained before being charged or released; to require that written reasons for custody be provided the parent, guardian or other person having custody or care of the child whenever the child is detained for more than twelve hours, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Subsections D and E of Section 1577 of Title 13 of the Louisiana Revised Statutes of 1950 are hereby enacted to read as follows:

§1577. Detention; release; bond; record

** **

D. Whenever a child under the age of seventeen years is taken into custody by a peace officer or probation officer, except when the child willfully misrepresents himself as seventeen or more years of age, such child shall be released within seventy-two hours after

having been taken into custody and held within said jurisdiction, and shall be committed to the care of the child in need of supervision, care and control of this state in the manner provided by law.

E. Wherever a child is found to be within twelve hours after his return date to court or held overnight in transit or for another jurisdiction, the child shall be committed to the care of the court in the manner provided by law, in the absence of such commitment, and shall be committed to the care of the child in need of supervision, care and control of this state in the manner provided by law, if the child is found not to be in need of supervision, care and control of this state.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: July 12, 1974.

A true copy:

WADE O. MARTIN, JR.
Secretary of State.


AN ACT

To amend Section 1577 of Title 13 of the Louisiana Revised Statutes of 1950 by adding new subsections thereto, to be designated Subsections D and E thereof, relative to detention and release of children, to provide a maximum time limit a child may be detained before being charged or released; to require that written reasons for custody be provided the parent, guardian or other person having custody or care of the child whenever the child is detained for more than twelve hours, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Subsections D and E of Section 1577 of Title 13 of the Louisiana Revised Statutes of 1950 are hereby enacted to read as follows:

§1577. Detention; release; bond; record

** **

D. Whenever a child under the age of seventeen years is taken into custody by a peace officer or probation officer, except when the child willfully misrepresents himself as seventeen or more years of age, such child shall be released within seventy-two hours after

having been taken into custody and held within said jurisdiction, and shall be committed to the care of the child in need of supervision, care and control of this state in the manner provided by law.

E. Wherever a child is found to be within twelve hours after his return date to court or held overnight in transit or for another jurisdiction, the child shall be committed to the care of the court in the manner provided by law, in the absence of such commitment, and shall be committed to the care of the child in need of supervision, care and control of this state in the manner provided by law, if the child is found not to be in need of supervision, care and control of this state.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: July 12, 1974.

A true copy:

WADE O. MARTIN, JR.
Secretary of State.
having been taken into custody, excluding nonjudicial days, unless within said period of time a petition to declare him a delinquent or a child in need of supervision has been filed pursuant to the provisions of this chapter.

E. Whenever a child who has been held in custody for more than twelve hours by a probation officer, or law enforcement official of the state, city, parish or municipality and subsequently released and no petition is filed, the said official shall prepare a written explanation of the reasons why the child was held in custody for more than twelve hours. The written explanation shall be prepared within seventy-two hours after the child is released from custody and filed in the record of the case. A copy of the written explanation shall be sent to the parents, tutor, guardian, or other person having care or custody of the child.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: July 12, 1974.

A true copy:

WADE O. MARTIN, JR.
Secretary of State.

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ACT No. 561


AN ACT

To amend and reenact Subsections E and F of Section 1586.1 of Title 13 of the Louisiana Revised Statutes of 1950, relative to arrest, fingerprint and other records of juveniles, to provide for the destruction of such records of persons who were adjudicated neglected, in need of supervision or delinquent, provided that in the latter case the adjudication resulted from the commission of minor criminal acts; to exemplify such minor criminal acts; to require that five years must elapse from the final discharge of
Act 561

Section 1. If a child is likely to commit a crime, or if the court, or the probation officer finds that he will not appear in court on the day the petition is heard, the court may hold the child in custody until the next hearing to determine the delinquency or the nonappearance of the child.

Section 2. Any petition for the delinquency of the child shall be heard within seventy-two hours after the child is held in custody. If the court finds that the petition is properly supported, the child shall be taken into custody until the next hearing. If the petition is not supported, the child shall be released immediately. The court shall make written findings of fact and conclusions of law in support of the decision.

Act 175

Section 1. An act relative to children in need of supervision. This act reenacts the provisions of Section 1577 of Title 13 of the Louisiana Revised Statutes, and hereby enacted to read as follows:

"Any person may bring in a petition before the juvenile court for the delinquency of a child, whenever the juvenile court is satisfied that the child is in need of supervision. The court may hold the child in custody until the next hearing to determine the delinquency or the nonappearance of the child. If the court finds that the petition is properly supported, the child shall be taken into custody until the next hearing. If the petition is not supported, the child shall be released immediately. The court shall make written findings of fact and conclusions of law in support of the decision."
persons before the files and records of proceedings in which they were involved may be destroyed; to prohibit the destruction of such records of persons adjudicated delinquent as a result of the commission of violent crimes against persons; to specify such crimes, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Subsections E and F of Section 1586.1 of Title 13 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted to read as follows:

§1586.1. Arrest records, photographs, fingerprints, summary cards, sealing

* * *

E. On application of any person having a proper interest, or on its own motion, the juvenile court in which proceedings were held may order the destruction of its own records, and may order all agencies and law enforcement offices having records enumerated in this section to destroy same, and the court may require such custodians of records to file a sworn affidavit to the effect that the records have been destroyed and that no notations or references have been retained which will or might lead to the inference that any record ever was on file with any agency or law enforcement office.

The provisions of this subsection shall apply only where

(1) the proceedings was dismissed before or after a hearing was held;

(2) the child was adjudicated neglected or in need of supervision; or

(3) the child was adjudicated delinquent as a result of committing minor criminal acts, such as but not limited to, simple criminal damage to property, criminal mischief, criminal trespass, theft where the misappropriation or taking amounts to a value less than one hundred dollars, receiving stolen things when the value of the thing is less than one hundred dollars, and unauthorized use of movables.

F. (1) On application of a person who has been adjudicated delinquent or on the court's own motion, and after a hearing, the court shall order the destruction of the files and records in the proceeding, including fingerprint and photograph records, if the court finds:

(a) five years have elapsed since the final discharge of the person;

(b) since the final discharge he has not been convicted of a felony, or of a misdemeanor involving moral turpitude, and no proceeding is pending seeking conviction; and

(c) if in the court's opinion he has been rehabilitated.

(2) Reasonably necessary records, such as those maintained by

(a) the district attorney;

(b) the Department of Corrections, or an institution, agency or

(c) the law enforcement office in custody of the delinquent;

(3) Notwithstanding the foregoing, any and all records of prior proceedings based upon the proceeding or persons shall not be destroyed.

For the purpose of this section, no person or person shall be deemed in need of supervision, delinquent or an abused child under Title 13.

Section 2. If provisions, items or parts thereof are held to be invalid, the invalid provisions or parts thereof shall be void.

Section 3. All other laws inconsistent with this Act are hereby repealed.

Approved by the Governor.

A true copy:

WADE O. PIDGEON
Secretary

Senate Bill No. 287

To amend Title 13, adding thereto...
(2) Reasonable notice of the hearing shall be given to:
(a) the district attorney's office;
(b) the Department of Correction, if the final discharge was from an institution, or
(c) the law enforcement officers, agencies or departments having custody of the files and records specified in Subsection A hereof.

(3) Notwithstanding the provisions of this subsection, the files and records of proceedings where persons are adjudicated delinquent based upon the commission of a violent crime against a person or persons shall not be destroyed.

For the purposes of this subsection, crimes of violence against a person or persons shall include first degree murder, second degree murder, manslaughter, negligent homicide, aggravated battery, aggravated assault, aggravated rape, simple rape, aggravated kidnapping, armed robbery and extortion.

* * *
Section 2. If any provision or items of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: July 12, 1974.

A true copy:

WADE O. MARTIN, JR.
Secretary of State.

ACT No. 562


AN ACT

To amend Title 13 of the Louisiana Revised Statutes of 1950 by adding thereto a new section, to be designated as R.S. 13:1588.1

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